

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATROLMEN'S BENEVOLENT ASSOCIATION OF
THE CITY OF NEW YORK, et al.,

Plaintiffs,

- against -

The CITY OF NEW YORK, et al.,

Defendants

STIPULATION OF
DISMISSAL AS TO THE
REMAINING PLAINTIFFS

04 Civ. 06865 (GBD)

USDC SDNY
DOCUMENT
FILED ELECTRONICALLY
FILED
DATE FILED JAN 5 2009

WHEREAS, previously the Defendants and Plaintiffs the Uniformed Firefighters Association, the Detective Endowment Association and the Lieutenants Benevolent Association stipulated that each of these plaintiffs would be dismissed with prejudice from this action; and

WHEREAS, the Defendants and the Remaining Plaintiffs, the Patrolmen's Benevolent Association of the City of New York, Inc., the Sergeants Benevolent Association, the Uniformed Fire Officers Association and the Captains Endowment Association (collectively "Remaining Plaintiffs"), wish to stipulate to the dismissal of the Remaining Plaintiffs' claims against defendants;

NOW, THEREFORE, it is hereby stipulated and agreed, by and between the Remaining Plaintiffs and the Defendants, as follows:

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Remaining Plaintiffs' claims against the Defendants are dismissed with prejudice, with each side bearing its own costs, expenses and attorneys' fees.

2. Nothing contained herein shall be deemed to be an admission by the Remaining Plaintiffs or the Defendants that they have acted unlawfully or in any way violated

any of the other party's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York.

3. This Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

4. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

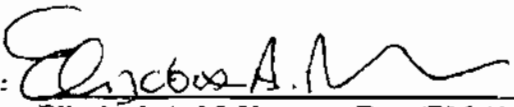
5. This Stipulation contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

6. Counsel for the parties have reviewed and revised this Stipulation, and any rule of construction, by which any ambiguities are to be resolved against the drafting party, shall not be applied in the interpretation of this Stipulation.

7. Facsimile signatures will be deemed originals for the purpose of this stipulation

Dated: New York, New York
~~November~~, 2008
December 18

DAVIS WRIGHT TREMAINE, LLP
Attorney for Plaintiffs
1633 Broadway
New York, NY 10019
(212) 489-8230


By: 
Elizabeth A. McNamara, Esq. (EM-1987)

Dated: New York, New York
~~November~~, 2008
December 18

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street,
New York, New York 10007
(212) 442-0573

By: 
Mark W. Muschenheim (MM 0498)
Assistant Corporation Counsel

SO ORDERED:

JAN 05 2009

Honorable George B. Daniels
HON. GEORGE B. DANIELS
United States District Judge